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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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01/15/2004

Werner Geyer

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4282

44185 7590 01/18/2007
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EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/757,756

Applicant(s)

GEYER ET AL.

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/09/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Election/Restrictions

2. Restriction to one of the following invention is required under 35 U.S.C. 121
 - I. Claims 1-17 are drawn to accessing and broadcasting changes to members of the distributed network, which is classified in Class 707, subclass 10.
 - II. Claim 18 is drawn to creating a data structure storing information of the clients, which is classified in Class 707, subclass 100.
 - III. Claims 19-21 are drawn to update notification, which classified in Class 707 sub 200.

Inventions I, II and III are related as subcombinations disclosed as usable together a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I is drawn to accessing and broadcasting changes to members of the distributed network. The created data structure in the invention II is utilized to store information including name and values of information for representation to the clients. The invention III is drawn to update notification to every members based on the changes receive. See M.P.E.P 806.05(d)

Because of the inventions are distinct for the given reasons and have acquired in a separate status in the art as show by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even through the requirement be traversed (37 CFR 1.143).

Application is reminded that upon cancellation of claims in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must by accompanied by a diligently-file petition under 37 C.F.R 1.48(b) and by fee required 37 C.F.R. 1.17(h)

The examiner contacts Mr. Dagg David, Reg. No. 37,809 on 07/14/2006 regarding to a telephonic restriction requirement. Mr. Dagg elects group I consisting claims 1-17 without traversed.

Claims 1-17 are remain for examination.

Claim Objections

3. Claim 8 is objected to because of the following informalities: claim 5 recites "a method of sharing at least one item of information between a pair of clients coupled to a server..." in lines 1-2. The recites steps of claim 8 do not reflect any object sharing excepting for reflecting the changes of object to the client. Appropriate correction is required.

Drawings

4. The drawing filed on 01/15/2004 is accepted by examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

MPEP 2106 IV. B.2. (b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Art Unit: 2162

5. Claims 1-15 and 17 in view of the above cited MPEP section, are not statutory because claims they merely recite computing steps without producing any concrete, useful and tangible result and/or being limited to a practical application within the technological arts. Claims 1-15, 17 recites computing steps without producing concrete, useful and tangible results. Claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.")

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff (US. Patent No. 6,351,777 B1) in view of Memhard et al. (US. Patent No. 6,201,859 b1).

Regarding on claim 1, Simonoff teaches a server comprising:

A storage device for storing an object data structure having a plurality of entries defining attributes of an object (object) (col. 18, lines 66-67), the plurality of attributes apportioned into general entries and variable entries, the general entries including a list of members having access to the object (johndoe.1-123456789 can be access to all member of the access list) (col. 19, lines 27-32) and the variable entries including at least one item of persistent information associated with the object (unique identifier) (col. 19, lines 1-2); and

Somonoff does not explicitly teach broadcast logic for broadcasting changes to the object data structure to the at least one member having access to the object. However, Memhard discloses broadcast logic for broadcasting changes to the object data structure to the at least one member having access to the object as corresponding to the remote user make changes to the an application at end point, the changes are forward to the host application, the host make changes at the host application and forward the changes to all the clients (col. 7, lines 33-54). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made modify Somonoff's system by incorporating forwarding the changes make to the application to all other clients in the conference system as taught by Memhard in order to allow the user to be comparable to other users to enhance system performance.

Regarding on claim 2, Somonoff teaches the server of claim 1, wherein the storage device stores a plurality of object data structures associated with a plurality of object, each one of the plurality of object data structures including of entries defining attributes of a corresponding one of the plurality of objects, the plurality of entries

Art Unit: 2162

including a list of members having access to the associated object, the server further including:

A navigation logic including a relation database identifying relationships between different ones of the plurality of objects, the navigation logic also including logic for identifying a set of the plurality of objects that are affected by a change to a data structure of a given object of the plurality of objects (col. 19, lines 35-45); and

Simonoff does not explicitly teach wherein, the broadcasting logic further include means for broadcasting a change to a data structure of the given object to members in the list of members of each of object in the set of the plurality of objects identified by the navigation logic. However, Memhard discloses broadcast logic for broadcasting changes to the object data structure to the at least one member having access to the object as corresponding to the remote user make changes to one object of in a plurality of objects in application at end point, the changes are forward to the host application, the host make changes at the host application and forward the changes to all identified clients (col. 7, lines 33-54). The change to the application is one of the pluralities of object in the application. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made modify Somonoff's system by incorporating forwarding the changes make to one of the plurality of object in the application to all other clients in the conference system as taught by Memhard in order to allow the user to be comparable to others user to enhance system performance.

Regarding on claim 3, Simonoff teaches the server of claim 1, wherein the general entries of the object data structure are defined by the server (johndoe.1-

123456789 can be access to all member of the access list) (col. 19, lines 27-32), and the variable entries of the object data structure are defined and managed by any of the members on the list of members (unique identifier) (col. 19, lines 1-2).

Regarding on claim 4, Simonoff teaches the server of claim 1, wherein the general entries include at least one of the unique id, name, author, creation time, modifier, modification time, reader, last access time, access control list with member and group objects, member status and subscription information pertinent to the object (Johndoe.1-123456789) (col. 19, lines 28-30).

Regarding on claim 5, Simonoff teaches the server of claim 1, wherein a plurality of entries are associated with each object, and wherein each variable entry includes a name of an item of information associated with the entry, and a value of the item of information associated the name (each object created "johndoe.1-123456789) (col. 19, lines 18-36).

Regarding on claim 6, Simonoff teaches the server of claim 1, wherein each variable entry includes access history information, associated with the item information, the history information including identifying members of the group having access to the object that have accessed the object (col. 18, lines 10-15).

Regarding on claim 7, Simonoff teaches the server of claim 6, wherein the access history information includes information regarding a type of access of each member having accessed the object (col. 18, lines 10-15).

Regarding on claim 16, Simonoff teaches a method, at a client device coupled to a server (a user does something on the white board) (col. 17, lines 66-67), for

maintaining a copy of an object associated with an item of information (White board clients maintain it unique copy of the white board based on the user maximum privilege) (col. 18, lines 15-17), the item of information being accessed by other client coupled to the server device (the object being access by other users coupled to the White Board) (col. 18, lines 36-38), the object including a data structure storing the item of information, the method including the steps of:

Forwarding a request to a coupled object server, the request for modifying at least one attribute of the object associated with the item of information (the White Board client sent the action via command up to the White Board server... the command is also to modify the objects in the server) (col. 17, line 67 and col. 18, lines 1-17);

Simonoff teaches a method of updating the object in the server and tells all of the privileged clients to update the modified object a privileged clients object (col. 19, lines 49-59). However, Simonoff does not explicitly teach receiving, from the server, an updated copy of at least a portion of the object, the updated copy of at least a portion of the object reflecting the requested modification; and replacing a corresponding portion of the object at the client device with the updated copy. On the other hand, Memhard teaches receiving, from the server, an updated copy of at least a portion of the object, the updated copy of at least a portion of the object reflecting the requested modification; and replacing a corresponding portion of the object at the client device with the updated copy as corresponding to when the remote user makes changes to a shared application and forward to a host application, the host application make changes to the application and forward the changes to client for update and the changes can be partial or both,

Art Unit: 2162

and then the change replaces the existing version at the receiving client (col. 7, lines 26-50). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Somonoff's system by incorporating receiving the a partial updated from the server and replacing the client with the copy of changes as taught by Memhard in order to allow the user to be comparable to others user in the system.

Regarding to claim 17, Somonoff teaches a system comprising:

A server (white board server, 100 fig. 3 and col. 9, lines 43-44) comprising:

A storage device for storing an object data structure having a plurality of entries defining attributes of an object (object) (col. 18, lines 66-67), the plurality of attributes apportioned into general entries and variable entries, the general entries including a list of members having access to the object (johndoe.1-123456789 can be access to all member of the access list) (col. 19, lines 27-32) and the variable entries including at least one item of persistent information associated with the object (unique identifier) (col. 19, lines 1-2);

A pair of clients (300a and 300b) (fig. 3), coupled to the server (web server 101) (fig. 3), each client (300a and 300b) (fig. 3) including:

An application program interface enabling the client to communicate with a server (an application program interface allowing the client to communicate with white board) (col. 17, lines 50-65), including logic for requesting changes to the object data structure associated with the object (when the object is modified, the White Board client extracts the global key name from the object's wrapper and

tells all privileged White Board clients that the object with that global key name was updated" (col. 19, lines 53-57), and logic for updating the contents of the object data structure in response to communication from the server (a remote White Board client privileged to receive the updated will lookup it's copy of the object wrapper using the global key name, make the update of the object..." (col. 19, lines 57-60).

Somonoff does not explicitly teach broadcast logic for broadcasting changes to the object data structure to the at least one member having access to the object. However, Memhard discloses broadcast logic for broadcasting changes to the object data structure to the at least one member having access to the object as corresponding to the remote user make changes to the an application at end point, the changes are forward to the host application, the host make changes at the host application and forward the changes to all the clients (col. 7, lines 33-54). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made modify Somonoff's system by incorporating forwarding the changes make to the application to all other clients in the conference system as taught by Memhard in order to allow the user to be comparable to others user to enhance system performance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2162

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Simonoff (US. Patent No. 6,351,777 B1).

Regarding on clam 8, Simonoff teaches a method of sharing at least one items of information between a pair of clients coupled to a sever, the method including the steps of: associating an object with the items of information, the object including a member list indicating clients having access to the item of information, the member list including the pair of clients, a name of the item of information and a value of the information (the object created with name "johndoe.-123456789 accessible by all privileged white board clients) (col.. 19, lines 18-48);

One of the clients of the pair of clients requesting modification of the object associated with the item of information (the user randomly selects an object on the White Board client, the White Board client looks up object's wrapper using..." (col. 19, lines 51-53);

Selectively modifying the object in response to the request from the one of the clients (when the object is modified, the White board client extracts the global key name form the object's wrapper and tell all of the privileged White board clients that the object with that global key name was updated) (col. 19, lines 53-57); and

Reflecting the modification of the object to the pair of clients (a remote White broad client privileged to receive the update, will look up it's copy of the object's

Art Unit: 2162

wrapper using the global key name, make the update to the object, and then display the change on its White Board) (col. 19, lines 57-59).

Regarding on claim 9, Simonoff teaches the method of claim 8, wherein the step of reflecting the modification of the object to the pair of clients includes the step of responding to the one of the clients pair that issued the request, and notifying the other client of the pair of the modification to the object (col. 19, lines 57-59).

Regarding on claim 10, Simonoff teaches the method of claim 8, wherein the method includes the step of identifying other clients that are interested in modification of the object by the one of the clients, and transmitting the modification of the object to the identified clients (col. 19, lines 57-59).

Regarding on claim 11, Simonoff teaches the method of claim 10, wherein the step of transmitting the modification of the object to the identified clients transmits the modification at different times to different ones of the identified clients in response to a subscription level of the associated client (the modification of the object is transmitted to each identified client based other privileged of the client) (col. 18, lines 18-25).

Regarding on claim 12, Simonoff teaches the method of claim 8, wherein the object further includes a status entry for each member of the member list, the status entry identifying access privileges of the associated member of the object, wherein the step of selectively modifying the object operates in response to the status entry of the one of the clients (col. 17, lines 50-65).

Regarding on claim 13, Simonoff teaches the method of claim 8, wherein the step of selectively modifying the object performs a function selected from a group

Art Unit: 2162

consisting of creating the object (creating object) (col. 18, lines 10-15), reading the object, deleting the object, modifying a general or variable property of the object (modifying the object) (col. 19, line 53) and modifying the member list of the object (col. 17, lines 50-65).

Regarding on claim 14, Simonoff teaches a client device (300a) (fig. 3), coupled to a server (web server 101) (fig. 3), the client device including:

A storage device for storing an object data structure having a plurality of entries defining attributes of an object (object) (col. 18, lines 66-67), the plurality of attributes apportioned into general entries and variable entries, the general entries including a list of members having access to the object (johndoe.1-123456789 can be access to all member of the access list) (col. 19, lines 27-32) and the variable entries including at least one item of persistent information associated with the object (unique identifier) (col. 19, lines 1-2); and

An application program interface enabling the client to communicate with a server (an application program interface allowing the client to communicate with white board) (col. 17, lines 50-65), including logic for requesting changes to the object data structure associated with the object (when the object is modified, the White Board client extracts the global key name from the object's wrapper and tells all privileged White Board clients that the object with that global key name was updated" (col. 19, lines 53-57), and logic for updating the contents of the object data structure in response to communication from the server (a remote White Board client privileged to receive the

Art Unit: 2162

updated will lookup it's copy of the object wrapper using the global key name, make the update of the object..." (col. 19, lines 57-60).

Regarding on claim 15, Simonoff teaches the method of claim 14, wherein the application program interface comprises a state machine having a request state (and an object update state (col. 18 lines 18-22 and col. lines 50-59).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

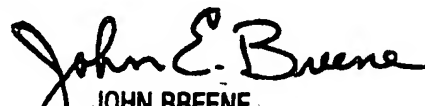
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[Official Communication]

BQ To

BQ

July 10th, 2006


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